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NOTE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. UNHCR's obligatory mandate responsibility is to ensure protection to refugees and to work with States to facilitate lasting solutions to refugee problems. In carrying out these responsibilities, it has had to contend over recent years not only with a refugee situation of broadening scope and deepening complexity, but also with an increasing reluctance of States to grant the necessary protection within the agreed international framework. The sheer magnitude of the post-Cold War problems, the levels of national and regional insecurity they generate and State reluctance to continue to meet what are seen as the rising financial, political, environmental and social costs of maintaining large refugee populations, or receiving a continuous flow has had a marked and negative impact on the willingness of countries to provide asylum. The blurred distinction in countries not only in the North but increasingly too in the South between refugees and other irregular migrants has further eroded the consensus on the importance of asylum.

2. This environment is an enormous obstacle in itself to the efforts of the international community to address refugee problems in a proper and principled manner. To overcome it, there is first a need carefully and precisely to define the challenge it poses, which is not about how to build barriers to keep people out, but how to manage refugee and migratory movements in a way that upholds human rights and humanitarian principles, while addressing the legitimate concerns of States and their receiving communities. Winning acceptance of this as the best and right way to approach the problem is a formidable protection challenge for UNHCR.

3. Consistent with its traditional purpose, this Note reports on the protection problems encountered over the past year for refugees and other persons of concern to UNHCR, together with developments impacting generally on the protection situation. In doing so it endeavours also to show that a

responsible balance must and can be struck between State interests and international responsibilities, and that without this balance refugee protection is in serious jeopardy.

II. OVERALL SITUATION

4. It was heartening that many States -- including a large number of developing countries with limited resources for their own internal demands -- have continued to honour their humanitarian obligations towards refugees, and generously offered protection to those in need. In the context of the ongoing tragedy in Kosovo, the ability of the international community to deal with a situation of mass displacement has again been severely tested. In spite of the enormous burden placed upon them by the influx, Albania and The former Yugoslav Republic of Macedonia, continued to receive large numbers of refugees on a daily basis. Other asylum countries, within the region and beyond, responded generously and rapidly when the pace and size of the arrivals threatened to overcome the capacity of neighbouring countries to receive them. The programme of humanitarian evacuation from The former Yugoslav Republic of Macedonia stands as a fine example of international solidarity and burden-sharing.

5. In the same spirit, a number of States have contributed in an exemplary manner to strengthening asylum capacity inside the main receiving countries of Kosovar refugees. This has extended to the setting up and temporary management of refugee centres and camps. UNHCR welcomes the assumption by States of responsibility for refugee protection. As the Executive Committee of the High Commissioner's Programme has affirmed as recently as last year, refugee protection is primarily the responsibility of States and is best achieved through effective cooperation among States, UNHCR, and other international organizations and actors concerned, in a spirit of international solidarity and burden-sharing.[1] It is also clear that protection must always be managed within the framework of internationally agreed protection principles, including those which underlie the civilian and humanitarian character of refugee work.

6. UNHCR also welcomed new initiatives by States to review some of the more restrictive elements in their asylum legislation, and to re-examine the need for additional safeguards. The European Commission's working document, *Towards Common Standards on Asylum Procedures*", adopted on 3 March 1999, contained a number of encouraging suggestions in this regard. As the European Union prepares to implement the asylum-related provisions of the Amsterdam Treaty within the next five years, UNHCR has been looking at ways to increase its cooperation with the European Union and its Member States, with a view to ensuring continued respect for basic refugee protection principles. The European harmonization initiative has been approached as an important test case of the viability of regional solutions to refugee problems, and the willingness and ability of States to define their interests jointly in the asylum area beyond the traditional focus on the nation State.

7. The accession of Kazakhstan to both the 1951 Convention relating to the Status of Refugees and the 1967 Protocol and the significant number of States adopting implementing legislation have demonstrated the continued commitment

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[1] Conclusion No. 85 (XLIX) of 1998 - A/AC.96/911, para. 21.

of many States to the existing refugee protection regime. Since the initiation of its current accession campaign, UNHCR has received encouraging signs that an additional number of States intend to accede to the Convention and the Protocol between 1999 and 2000.

8. These and similar efforts elsewhere have greatly contributed to the protection of more than 22 million refugees and internally displaced persons under UNHCR's mandate. Yet, setbacks in the refugee situation were also witnessed during the period under review. Systematic violations of human rights, blatant disregard of humanitarian law, wholesale expulsions of populations and large-scale "ethnic cleansing" caused significant displacement both internally and across borders in many regions of the world.

9. The reporting period was also marked by serious breaches of the internationally recognized rights of refugees and asylum-seekers. Instances of denial of access to protection, including through closure of borders, non-admission to territory or to asylum procedures, or through direct or indirect *refoulement* and other acts seriously endangering the life and physical security of refugees and asylum-seekers, continued to occur. A similar disturbing development has been the spread of restrictive policies from one country or region to other, often distant, countries or regions.

10. Overall, UNHCR detected a distinct trend in an increasing number of States to move gradually away from a law or rights-based approach to refugee protection, towards more discretionary and ad hoc arrangements that give greater primacy to domestic concerns rather than to their international responsibilities. These restrictive tendencies found their most recent manifestation in one country where legislative proposals aimed at doing away with the distinction between aliens and refugees, including dropping any requirement for specific determination of refugee status under the 1951 Convention.

11. There is a worrying recent tendency on the part of some States to present problems as resulting more from wars and conflicts than from persecution in the classic sense of Article 1 A of the 1951 Convention, and to argue that the 1951 Convention offers an increasingly inadequate framework to address present-day challenges. Calls for an alternative refugee protection regime to that of the 1951 Convention have been made.

12. This argument is inherently dangerous and, at best, misguided. Persecution, whether occurring in time of peace or of war, continues to be one of the major causes of refugee movements world-wide. The Convention and Protocol remain the firm and universally accepted foundation for the protection of those who have been forced to leave their country owing to serious threats to their fundamental human rights to life, security, freedoms and dignity. Both the United Nations General Assembly[2] and the Executive Committee[3] have emphasised the primacy of these instruments, and confirmed that they form the international legal basis for the protection of refugees.

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[2] General Assembly resolution adopted on 21 December 1995 (A/RES/50/152).
[3] Conclusions Nos. 68 (XLIII) of 1992 - A/AC.96/804, para. 21; 71 (XLIV) of 1993 - A/AC.96/821, para. 19; 74 (XLV) of 1994 - A/AC.96/839, para. 19; 77 (XLVI) of 1995 - A/AC.96/860, para. 19; 79 (XLVII) of 1996 - A/AC.96/878, para. 21; 81 (XLVIII) of 1997 - A/AC.96/895, para. 18; and 82 (XLVIII) of 1997 - A/AC.96/895, para. 19.

13. As is clear from the above, the 1951 Convention continues to be the starting point for protection-based responses to mass arrivals of asylum-seekers. It may, however, need to be supplemented by complementary mechanisms, notably as regards persons fleeing indiscriminate violence which is not persecution-based. The need to accord protection to this category of individuals has been recognized in a number of national legislations in the form of "humanitarian status", "de facto status", "exceptional leave to remain", "B status", etc. These complementary mechanisms for protection are based on the fundamental universal principles enshrined in the Convention, and developed in Conclusions of the Executive Committee and through State practice.

14. Major problems in protecting refugees have arisen through non-compliance with, or unduly narrow application of the existing refugee treaties. Contrary to the aims of the 1951 Convention regime, current policies and practices in some regions are designed to restrict access to safety rather than to facilitate such access. The essential need today is for the uniform, liberal and positive application of existing refugee instruments.

15. The sections that follow review UNHCR's main protection concerns during the reporting period and some of the activities undertaken by the Office to address them.

III. ADMISSION AND ASYLUM

A. Admission to procedures

16. Every refugee is, initially, an asylum-seeker. Therefore, refugee protection demands that asylum-seekers be treated on the assumption that they may be refugees until such time as their status has been determined. Except in situations of large-scale influx where individual determination of asylum claims may not be practical, all asylum-seekers should, in principle, have access to individual refugee status determination procedures.

17. UNHCR is seriously concerned about the fact that access to asylum procedures has sometimes been denied on the grounds of nationality (based on the notion of "safe country of origin") or on grounds directly connected with the substance of the refugee claim notably the possible application of the exclusion clauses of Article 1F of the 1951 Convention, and of the so-called "internal flight alternative".

18. It is also a matter of concern that some States have introduced time limits for the filing of asylum requests, after which applications are not admitted to the asylum procedure. The use of time limits as a bar for a person to apply for asylum is contrary to accepted asylum and refugee protection principles. As the Executive Committee affirmed in its Conclusion No. 15 (XXX) of 1979[4], while time limits may well be set for certain specifi

[4] A/AC.96/572, para. 19.

administrative purposes, the asylum-seeker's failure to submit the request within a certain time limit should not lead to the asylum request being excluded from consideration.[5]

19. The widespread misuse of the notion of "safe third country" has been another major concern for UNHCR. Due to an inappropriate application of this notion, asylum-seekers have often been removed to territories where their safety cannot be ensured. This practice is clearly contrary to basic protection principles and may lead to violations of the principle of *non-refoulement*. As is clear from relevant Conclusions[6] of the Executive Committee, no asylum-seeker should be returned to a third country for determination of the claim without sufficient guarantees, in each individual case: that the person will be readmitted to that country; will enjoy there effective protection against *refoulement*; will have the possibility to seek and enjoy asylum; and will be treated in accordance with accepted international standards.

20. An individual analysis must be done to establish whether the asylum-seeker can be sent to a third country. The question of whether a country is "safe" is not a generic one which can be answered for any asylum-seeker in any circumstances (i.e. on the basis of a "safe third country list"). A country may be "safe" for asylum-seekers of a certain origin and "unsafe" for others of a different origin, also depending on the individual's background and profile.

B. Abusive or manifestly unfounded claims

21. In Conclusion No. 30 (XXXIV) of 1983[7], the Executive Committee noted that applications for refugee status by persons who clearly have no valid claim to be considered refugees under the relevant criteria constitute a serious problem in a number of States. It was accepted that national procedures for the determination of refugee status could include special provisions for dealing in an expeditious manner with such unfounded applications.

22. Since the adoption of that Conclusion, the notions of manifestly unfounded and abusive applications have, in the practice of certain States, been gradually extended beyond the original meaning of these terms. Claims raising questions relating to exclusion from refugee status or to the application of the so-called "internal flight alternative", have increasingly been treated as manifestly unfounded and handled under accelerated procedures, rather than benefiting from the full procedure, as should have been the case.

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[5] A time limit may be set for the purpose of applying Article 31(1) of the 1951 Convention. This provision exempts from penalties for illegal entry or presence, those refugees who have arrived directly from a territory where their life or freedom was threatened, "*provided they present themselves without delay to the authorities* and show good cause for their illegal entry or presence". (emphasis added).

[6] Conclusions No.15 (XXX) of 1979 - A/AC.96/572, para. 72 and 58 (XL) of 1989 - A/AC.96/737, para. 25.

[7] A/AC.96/631, para. 97, sub-para. (2).

23. Similarly, claims from asylum-seekers arriving without documents or with false documentation have often been treated as abusive, in disregard of the fact that persons facing persecution are frequently compelled to travel without documents or to use forged documents to reach a potential country of asylum. It is accepted that a presumption of abuse may result from an asylum-seeker having, for example, wilfully destroyed or disposed of travel or other documents in order to mislead the authorities. Nevertheless, that presumption must still be tested in appropriate procedures to determine its validity. Where an asylum-seeker does not possess proper documentation or has travelled on false documents, this by itself does not automatically render a claim abusive or fraudulent.

24. There has also been a growing confusion in the practice of a number of States between admissibility procedures and accelerated procedures. Issues that should have been evaluated in substance after admission to an accelerated procedure, have been erroneously considered under the decision on the admissibility of an asylum application. These two types of procedures must be clearly differentiated. The purpose of admissibility procedures is to decide whether the claim will, or will not, be considered in substance in the country where it has been submitted. The purpose of accelerated procedures is to deal with the substantive claim in a simplified, shorter manner. Decisions on the abusive or manifestly unfounded character of a claim should therefore not be taken at the admissibility stage.

C. Internal relocation

25. Particular problems have been encountered in recent years with the determination of refugee claims that involve analysing whether the fear of persecution extends to the whole of the territory of the country of origin. In the practice of a number of countries, increasing insistence has been put on efforts which the asylum-seeker should have made to explore relocating internally prior to seeking asylum. The possibility of accessing safety elsewhere inside the country of origin has been styled "internal flight alternative", or more recently the "relocation principle" and has been used increasingly as a bar to the admissibility of claims for refugee status.

26. In UNHCR's view, the use of this notion to deny access to refugee status determination, rather than situating it within the framework of the status determination analysis, risks seriously distorting refugee law. Moreover, even when examined in the context of substantive determination procedures, this notion is often applied without due regard for the circumstances in the displacement area, and the reasonableness of relocating internally as opposed to seeking asylum. This is particularly pertinent in the case of so-called "failed States" where political fragmentation means that it is no longer possible to equate a State with its constituent parts.

IV. GROUPS WITH SPECIAL PROTECTION NEEDS

27. In the former Yugoslavia, Sierra Leone and many other places, women and children have continued to be targets of egregious human rights violations. These include mass expulsions, rape, deliberate mutilation and other serious instances of physical abuse and sexual violence.

A. Women

28. In UNHCR's protection agenda, primacy has been placed on initiatives to strengthen response to gender-related refugee concerns and problems. The Office recognizes that women, particularly single heads of household and adolescent girls, victims of sexual violence and other severe forms of abuse (as well as of psychological/physical trauma), face acute problems in asylum countries. Chief among them is a lack of personal security whether living in camps, collective centres or with host families.

29. A project to combat violence against refugee women has been initiated in five countries in West and East Africa, focusing on an integrated approach based on strong partnerships between the refugee community, local police services, United Nations agencies, non-governmental organizations (NGOs) and local and international staff. Field offices have been following-up on cases of restrictions on freedom of movement and of detention, and UNHCR has successfully intervened in a number of instances, obtaining the release of women who had been abusively detained. The Office has also taken steps to ensure that women are adequately represented in elected refugee leadership within refugee camps, and can actively participate in decisions regarding their security.

30. In many asylum countries, special efforts have been made to increase awareness of gender-related refuge issues through training programmes and seminars on sexual violence and gender sensitivity, particularly for police, judges, immigration officials, journalists and NGOs. UNHCR has actively worked, at the level of law, to ensure wider acceptance of the notion that persecution may be effected through sexual violence, as well as of the notion that women asylum-seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society, may be considered as a "particular social group" within the meaning of Article 1 of the 1951 Convention. One notable example in this regard was the decision earlier this year of the British House of Lords which recognized the legitimacy of a gender-related persecution claim under the 1951 Convention.

31. UNHCR has also monitored national legislation, particularly in the Americas and Central and Eastern Europe, to analyse gaps, advocate changes, incorporate a gender perspective into legislation, and disseminate information on international standards relating to gender. As a result, new legislation in Belarus and the Russian Federation now addresses specific procedural rights of female asylum-seekers. Field offices have also joined in inter-agency campaigns to put women's rights on the national agendas. In regions in which deep-rooted traditions persist, UNHCR's objective has been to create a more sensitive and receptive environment, through effective partnerships with regional and local NGOs and women's associations, to promote a better understanding of UNHCR's policy and guidelines on refugee women. Refugee women in some Latin American countries are now being provided with documentation that no longer classifies them as economic dependants, thus enabling them to seek paid work.

32. In the context of return, women and children are particularly exposed to the danger of anti-personnel mines, through normal activities such as fetching firewood or water, or herding cattle. UNHCR has funded mine

awareness programmes targeted at women and specific age-groups in refugee and returnee areas. This is part of its advocacy for demining as a lasting measure to protect refugees and returnees.

33. In Rwanda, UNHCR has been actively participating in the Rwandan Women's Initiative designed to promote women's rights and participation in political, legislative and judicial arenas and institutions, as well as equal participation in economic and socio-cultural affairs, and to combat violence and other harmful practices against women and young girls.

B. Gender equality

34. During the period under review, UNHCR has continued working towards the mainstreaming of the principle of gender equality, as formulated in 1997 by the Economic and Social Council.[8] This has been implemented through promoting a gender-equality perspective in protection, programmes, durable solutions, public information and staff administration. Field offices have also made sustained efforts to mainstream gender issues in order to promote gender awareness and sensitivity. Statistics on gender and age are now being incorporated into periodic reporting, and gender issues and activities into objective-setting exercises.

C. Children

35. The changing nature of armed conflict and displacement in the post-Cold War era means that refugee children are no longer simply incidental victims of conflicts and displacement but, increasingly, targets for exploitation, militarization and politicization. To ensure that UNHCR addresses their particular needs, child rights-based performance objectives have been established for all phases of UNHCR operations in complex emergencies, with a fundamental requirement that girls and boys benefit equally from all programmes. Plans of action have been established at country operational level, focussing on key areas requiring protection and assistance measures; sexual exploitation and violence; under-age military recruitment; education; and unaccompanied minors and adolescents; all of which are fundamental to addressing the needs of girls more effectively. In addition, a UNHCR/International Save the Children Alliance training programme will increase the capacity of UNHCR, government and NGO field staff to protect and care for children and adolescents in refugee situations, with a specific age-gender perspective.

36. The protection needs of children have been particularly prominent in the Kosovo crisis. In this context, UNHCR has issued protection guidelines giving specific attention to the following critical issues relating to children:

(a) Separated minors: identification of unaccompanied minors during the registration process; proper implementation of UNHCR's policy on interim care of separated minors; liaison with the International Committee of the Red Cross (ICRC); and registration for family reunion purposes.

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[8] A/52/3, Chapter IV, A, Agreed conclusions 1997/2.

(b) Birth registration: registration of newborn babies, preferably by local authorities, including birth certificates given to parents.

(c) Child soldiers: children and adolescents to be kept as close as possible to their families and care-givers; preventive strategies that take account of the fact that under-age recruitment affects girls as well as boys; planning of rehabilitation programmes for child soldiers to be undertaken with other institutions.

D. Elderly refugees

37. In many UNHCR operations, the elderly have been a population group particularly affected by three crucial factors: social disintegration, negative social selection and chronic dependency. The plight of abandoned or separated elderly refugees from Kosovo has been a tragic recent reminder of this. In order to respond to these problems, UNHCR has pursued a more targeted strategy to include the elderly in all aspects of programme planning and implementation with an emphasis on specific community services projects and greater advocacy on their behalf. The aim is to ensure that elderly victims of forced migration are able to regularize their status in asylum countries and obtain access to all possible benefits, entitlements and rights.

E. HIV/AIDS

38. A revision of UNHCR's policy on refugees and HIV/AIDS issued in December 1998 reiterated the obligation to protect and assist affected refugees, and called for a strengthened response to the AIDS pandemic. Its objective was to assist field offices in planning and implementing effective prevention and care programmes within and with the refugee community. UNHCR and UNAIDS have signed a Cooperation Framework Agreement designed to formalize and structure joint actions already underway in the fight against HIV/AIDS.

V. PROTECTION OF REFUGEES CAUGHT UP IN CONFLICT SITUATIONS

39. In some regions, UNHCR has been facing enormous protection challenges where mass displacement has been precipitated by conflict situations, and where asylum and protection have had to be assured in the absence of law and order, or in a highly unstable protection environment. Clearly, in such circumstances the promotion and application of the principles of international protection has been particularly difficult. Striking examples have included displacements in the southern Balkans and in Western and Central Africa.

A. Refugees in situations of armed conflict

40. The presence of armed combatants among refugees and the insecure location of refugee camps too close to borders have become intractable obstacles to refugee protection in a number of situations. The United Nations General Assembly emphasized in a recent resolution the responsibility of States to "uphold the civilian and humanitarian character of refugee camps

and settlements, *inter alia*, through effective measures to prevent infiltration of armed elements, to identify and separate such armed element from refugee populations..." and to "settle refugees in secure locations...

41. Despite an increasing awareness of the problem, however, many refugee were once again exposed to cross-border attacks, forced recruitment into armed fighting forces and confinement in remote, isolated and perilously located camps. In one instance during 1998, many refugees were injured -- some fatally -- or made homeless, as a result of incursions, shelling and ground attacks on three refugee camps. In some situations, the refugees themselves, due to traditional cultural and ethnic affinities in the border region, have resisted proposals to relocate their camps. It is frequently not easy to balance the imperatives of granting international protection, t legitimate security concerns of host countries and the desires of the refugees. Where States approach the problem from a State security rather than a humanitarian protection point of view, they risk losing sight of the obligation to provide protection to those who are deserving of it.

42. In its 1998 Conclusion on International Protection[10], the Executive Committee expressed deep concern about the increasing use of war and violen as a means to carry out persecutory policies against groups targeted on one of the grounds stated in the 1951 Convention definition. In those instance the victims should clearly be considered as refugees under the Convention. UNHCR's concern is that where these asylum-seekers have not been part of a mass influx into the host country, the procedures in some asylum countries not make provision for their individual protection because they are deemed war-displaced, rather than individually persecuted.

B. Temporary protection

43. A related and disturbing development over the reporting period has be a growing tendency for States to extend the application of temporary protection regimes to asylum-seekers arriving outside the context of mass displacement. UNHCR's view remains that temporary protection is a practic device, allowing for a principled response by States to sudden arrivals of large numbers of asylum-seekers displaced by situations of war and generalized violence. Where individual status determination is too cumbersome or even impossible, protection is nevertheless ensured through t granting of temporary protection, albeit on the basis of temporary stay for most of them in the country of asylum. Upon termination of temporary protection, persons with ongoing protection needs must, in UNHCR's view, ha access to proper individual procedures to determine these needs against Convention status requirements. Where there is no mass influx, individuals should be given access to an individual procedure to determine their status under the 1951 Convention.

C. Internally displaced persons

44. The rising number of internally displaced persons world-wide has been matter of deep concern. It is a reflection of the fact that in many places civilians have increasingly been the deliberate target of armed conflict or

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[9] General Assembly resolution adopted on 9 December 1998 (A/RES/53/125).
[10] Conclusion No.85 (XLIX) of 1998.

paramilitary activities. Notwithstanding the fact that UNHCR does not have a general competence to deal with internally displaced persons, it may, under certain conditions, become involved in activities on behalf of particular groups. In accordance with guidance provided by both the United Nations General Assembly and the Executive Committee, the Office's criteria for involvement include that there be: a specific request from the General Assembly, the Secretary-General or another competent principal organ of the United Nations; the consent of the concerned State or other relevant entity; relevant UNHCR expertise and experience to assist, protect, and seek solutions for internally displaced persons in the particular situation; and sufficient resources placed at its disposal for the activities in question.

45. From the protection perspective, one interesting example of an internally displaced person situation in which UNHCR became engaged has been in Colombia. According to an agreement concluded between the Government of Colombia and UNHCR in January 1999, the Office will be providing its expertise to reinforce the legal, policy and institutional framework for internally displaced persons within this country. The design of the programme centres around the implementation of the "Guiding Principles on Internal Displacement" produced in 1998 by the Secretary-General's Special Representative. Achievement of the programme's objectives will be assessed at the end of a three-year period, starting in July 1999, against certain established protection-based indicators. Given the limited nature of UNHCR's involvement in Colombia, it is recognized that UNHCR's support will only be effective if linked to broader efforts to uphold international humanitarian law and to strengthen respect for human rights, within the context of a common approach with other United Nations partners.

46. The significance of cooperation with the relevant United Nations bodies and with other partners is also an important lesson to be drawn from the Kosovo crisis. Even when the task is a UNHCR mandate responsibility, such large-scale and complex emergencies require a consortium approach among the key agencies and partners to address the enormous protection and assistance challenges and problems. In acting in concert, all partners currently face the challenge of trying to define the increasingly blurred boundaries and limits of humanitarian action, in an environment that is subject to political and military imperatives which are outside their respective mandates.

VI. THE SEARCH FOR SOLUTIONS

47. The search for durable solutions has become even more of a challenge in a difficult protection environment. UNHCR has appealed to all States to continue, as far as possible, to promote and to make available as appropriate all durable solutions for refugee situations: integration in the asylum country, resettlement to a third country or voluntary repatriation to the country of origin. While voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations, there are nevertheless instances in which integration or resettlement will represent the better alternative. Often, a combination of solutions, each specifically addressing the particular circumstances and needs of the various parts of the same refugee population, will help achieve a lasting resolution of a refugee situation, in the interests of the refugees and the States concerned.

A. Voluntary repatriation

48. During the reporting period, the voluntary repatriation of a substant number of refugees has taken place world-wide. The Office continued to assist the repatriation of Afghan refugees from Pakistan which continued at steady pace. With the implementation of the Group Repatriation scheme and the initiation of protection monitoring activities inside Afghanistan, a total of almost 100,000 refugees were repatriated during the reporting period. In April this year, some 250 Afghan families returned voluntarily from Pakistan to the Taleban-controlled areas of Afghanistan. By the end o 1999, UNHCR hopes to have been able to return between 12,000 and 15,000 refugees, subject to funding constraints.

49. From the start of the operation in late 1997 until the end of April 1999, a total of 102,000 Liberians had also returned home under UNHCR's auspices. An estimated 160,000 Liberians returned spontaneously from exile during the same period. In Asia, 47,000 Cambodian refugees had returned fr Thailand by the end of March 1999.

50. UNHCR has continued to engage in efforts to establish a constructive dialogue between countries of asylum and countries of origin to improve prospects for voluntary repatriation in a number of ongoing situations. In some, UNHCR has received positive indications that long-suspended discussio on the return of some refugee groups of concern may soon be resumed.

51. Even in situations where the prospects for return may not be so immediate such as, at the time of writing, for the return of refugees from Kosovo, UNHCR undertakes steps to prepare for return as soon as it becomes possible, in cooperation with relevant United Nations bodies and agencies a well as other humanitarian organizations. Planning for return to Kosovo ha been hampered by the fact that the humanitarian tragedy is ongoing. While is important that UNHCR and the humanitarian community are ready, with the refugees, to plan for a return, guarantees for voluntary and safe repatriation must be upheld. Among the conditions which UNHCR stipulated a essential for repatriation and return to Kosovo are (1) the provision of effective security guarantees for returnees and for international humanitarian actors, (2) the withdrawal of military and paramilitary units responsible for suspected atrocities and forcible displacement of the civilian population, and (3) the deployment of a robust international military force to provide a security framework for the civilian population and the humanitarian operation in Kosovo.

52. Considerable efforts were made over the reporting period to enhance UNHCR's monitoring capacity during and following the return phase. Through the issuance of specific monitoring guidelines, combined with targeted training for protection officers, the Office is working to increase the confidence of refugees in return movements assisted by UNHCR, while ensurin a return in safety and dignity.

B. Resettlement and integration

53. UNHCR has also continued to benefit from the support of States in its pursuit of resettlement as an instrument of protection and as a durable solution. One overarching goal in resettlement is to enhance asylum and

protection prospects for the refugee population as a whole. While undertaking resettlement activities and thereby ensuring individual safety, UNHCR seeks to reinforce asylum in the host countries and to promote durable solutions benefiting the entire refugee population concerned. With this perspective, resettlement has become an essential element in a comprehensive strategy of refugee protection and the attainment of durable solutions.

54. In addition to meeting the objectives of providing a durable solution to refugees and ensuring their protection, resettlement may also be used to relieve the burden on receiving countries. States have recognized the need to cooperate, in particular to ensure that movements across borders do not place an undue or disproportionate strain on receiving States.

55. Specific responses developed in the context of an acute emergency, such as the humanitarian evacuation of Kosovar refugees from The former Yugoslav Republic of Macedonia, should be distinguished from regular resettlement efforts. Humanitarian evacuation does not focus, as does resettlement, on addressing individual protection needs; rather it was conceived as a mechanism agreed in the burden-sharing context, to ensure the availability of diverse asylum options for the group in its entirety. It was intended to reinforce asylum by easing the pressure of new arrivals on the host country. UNHCR therefore reminded States that their generous offers under the humanitarian evacuation programme need to be in addition to quotas of resettlement places. Quotas are of critical importance with regard to the protection mandate of UNHCR and its capability to address serious protection problems of refugees in many other precarious situations around the world.

56. During the reporting period, some governments have also set a positive example in facilitating the assimilation and integration of refugees. In Latin America, for instance, there have been significant examples of local integration of refugees achieved through amnesties allowing the regularization of illegal aliens, or through the naturalization of substantial number of refugees.

C. Statelessness

57. The problem of statelessness has been of growing concern to UNHCR as the number of cases and the interlinkage with displacement has increased. In a number of ongoing situations of forced displacement, groups of stateless persons have continued to live in exile under difficult circumstances, without any possibility of acquiring the citizenship of their adopted country. The residence status of many "non-nationals" in the country of asylum remains unclear, in particular in regard to those who have been living for many years in refugee camps and settlements. The uncertainty about the legal status of such persons often leads to further complications, which make it particularly difficult to identify a durable solution for these groups.

58. In some instances, stateless persons and persons of undetermined nationality are kept in detention for many years, because they have no recognized legal status in any country. Children of refugees sometimes risk becoming stateless, due to the difficulties concerning registration of children born in refugee camps.

59. The search for solutions to cases of statelessness becomes especially challenging in situations where the problem has survived generations. UNHCR has been involved with several groups who had been dispersed through various countries after they were deported from their areas of origin. In the countries where they are currently residing they have serious daily difficulties stemming from their inability to legalize their status and obtain citizenship. At the same time, their return to and reintegration int their country and places of origin is seriously hampered by obstacles to regaining their former citizenship.

60. The reporting period witnessed the outbreak of armed conflict between two countries accompanied by arbitrary expulsions on ethnic grounds of citizens or habitual residents. Statelessness became a real likelihood for significant numbers as the receiving countries provided no automatic rights to citizenship, in spite of any ethnic links. In the Kosovo context, where the expulsion of refugees has been accompanied by significant destruction of identity documents, a challenge for UNHCR is to ensure that their nationalit will not be put into question at the time of return. Towards that end, UNHC is undertaking major registration efforts in the countries of asylum.

61. Numerous activities and programmes have been undertaken by UNHCR in recent years to reduce statelessness. These have included the provision of technical advice to States in the drafting, implementation and promulgation of nationality laws, intensive cooperation and consultation with United Nations organs and regional bodies such as the Council of Europe and OSCE, as well as publications to assist States and UNHCR field staff in dealing with problems of statelessness. This year's progress report to the Standing Committee on UNHCR and statelessness activities[11] broadly outlines these efforts which have already, in many instances, successfully reduced both cases of statelessness and the threat of statelessness.

VII. TOWARDS A GLOBAL PARTNERSHIP FOR PROTECTION

62. Much needs to be done, on a global scale, to revitalize refugee protection. Protecting the victims of persecution and of human rights violations must be seen not only as a legal and moral duty, but also as a task from which all participating States will ultimately benefit.

63. The principles of asylum and protection reflect a centuries-old, respected and widely-held value that places primacy on human security and dignity. Derogation should not be envisaged unless there is no viable choice. Yet, it has to be acknowledged that protecting refugees through granting and upholding asylum within an agreed international law framework will bear costs of one sort or another. This not least explains why over the years States have preserved a wide ambit of sovereign discretion as to the granting of such protection. However, this discretion is not unfettered. It is circumscribed by a plethora of human rights and refugee law responsibilities freely entered into. In balancing States' interests against these standards it is fundamental to define clearly which responsibilities cannot be departed from, irrespective of the financial and political costs arising from their protection.

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[11] EC/49/SC/CRP.15

64. This does not mean that interests can be disregarded; indeed it is incumbent on the international community through international solidarity and burden-sharing to help States find solutions which do not compromise what is at stake for them. In this regard, UNHCR has organized a series of regional seminars over the reporting period attended by the various partners involved, and designed to explore the interests/responsibilities dilemma and how both might be reconciled. A number of proposals were put forward for practical activities. All participants agreed that it is essential to improve asylum systems and try to diminish related costs. States should make every effort to reduce the time required for asylum procedures and streamline the return of rejected persons who are not in need of international protection.

65. Other suggestions focussed on regularizing burden-sharing and making it more operational; on strengthening collaborative action between governments, business and civil society; on placing greater emphasis on the human dimension of refugee issues and building constituencies within societies to support asylum; on speeding up integration of refugees into their asylum countries through, for example, language courses and skills training; on sensitizing public opinion through improved use of media and creative, educational technologies including websites; and on increasing analysis and transparency on asylum questions to reduce ill-founded or unsubstantiated claims. The seminars also brought out the importance of more attention being paid to the nature and substance of the dialogue between refugee-receiving and producing countries.

66. A consistent theme emerging from these seminar discussions was the need to revitalize old and build new partnerships in support of the international refugee protection system. It was with this in mind that UNHCR has continued vigorously to pursue its efforts to promote collaboration on refugee protection through the "Reach Out" consultative process. Initiated in January 1998, this process was broadened over the course of the last year to engage a wide range of non-state actors -- including major human rights and humanitarian NGOs, United Nations sister agencies and the corporate sector -- in a series of dialogues on the nature and dimensions of the current protection challenges; where the main problems lie; and what States and organizations might do together with UNHCR to ensure improved and sustained support for protection principles. The expanded consultations have obvious links with, and should feed into several strategic initiatives undertaken or planned in the Office, in particular the review of the PARinAC process, the 30th anniversary of the OAU Convention and the Office's 50th anniversary events, beginning in December 2000.

67. At the end of this century, not least through such efforts as the "Reach-out" process, it is UNHCR's hope that a global partnership for the protection of refugees will re-emerge. The supporters of such a revitalized protection regime are united in the belief that international cooperation for the protection of refugees is not only an ethical and legal imperative but also a prudent insurance policy for an uncertain future.